(ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ)

ಎಳೆಯುವ ಪ್ರಯತ್ನವನ್ನು ಏಕೆ ಮಾಡುತ್ತಿದ್ದಾರೆ? ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಇದೇ ನೀತಿಯನ್ನು ಮುಂದುವರಿಸಿಕೊಂಡು ಹೋದರೆ ಹೇಗೆ? ಅವರು ಆ ಸೂಚನೆಯನ್ನು ಕಳುಹಿಸುವುದಕ್ಕೆ ಕಾರಣವನ್ನು ಏನು ಕೊಟ್ಟಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಈ ಸಭೆಗೆ ತಿಳಿಸಬೇಕು. ಇದು ನಮಗೆ ಭಾರಿ ಗಾಬರಿಯನ್ನುಂಟುಮಾಡತಕ್ಕ ಅಲಾರ್ಮಿಂಗ್ ನ್ಯೂಸ್ ಆಗಿದೆ. ಇವರ ಬಗ್ಗೆ ರಾಜ್ಯ ಸರ್ಕಾರದವರ ನಿಲುವು ಏನು, ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಈ ಸಭೆಯನ್ನು ತಮ್ಮ ವಿಶ್ವಾಸಕ್ಕೆ ತೆಗೆದುಕೊಂಡು ವಿಚಾರ ಏನು ಎಂಬುದನ್ನು ತಿಳಿಸಬೇಕು. ಅದಕ್ಕಾಗಿ ದಯವಿಟ್ಟು ಅಧ್ಯಕ್ಷರು ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಈ ಸಭೆಗೆ ಕರೆಸಿ ನಮಗೆ ಉತ್ತರವನ್ನು ಕೊಡಿಸಬೇಕೆಂದು ನಾನು ತಮ್ಮಲ್ಲಿ ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. SPEAKER.—I see from the record that the hon. Member gave notice of call attention at 1-10 p.m. There was no time to pass on that notice to Government. I shall pass it on the intimation to the Chief Minister.

Charge sheets against M.Ps. and Members of Legislature

Sri H. SIDDAVEERAPPA (Harihar).—Sir, I have got one request to make. In yesterday's Deccan Herald, dated 3rd March 1970, there is a news column which I also got from one of the hon. Member namely Sri S. Saran Gowda, that a charge sheet is filed.

"*New Charge against Young Turks*

Gulbarga. March 2.—Mr. Kalyan Shetty, Circle Inspector filed another charge-sheet here today against 23 persons including three MPs, Mr. S. Chandra Sekhar, Mr. Krishnakant and Mr. Kollur Mallappa and Mr. Sharangoud Inamdar, MLA and Mr. Annarao Veerabhadrappa, MLC, for unlawful assembly and rioting.

The Court has already summoned Mr. Chandra Sekhar and Mr. Krishnakant for violating section 35 of the Mysore Police Act."

This is another Charge-sheet that is filed. In this connection I would like to draw your kind attention to the definition of '*Sub Judice*' contained at page 745 of 'Practice and Procedure in Parliament' by M.N. Kaul. In criminal cases in courts of law including courts of court martial, *sub judice* begins from the moment the law is set in motion by a charge being framed. Filing the charge sheet is different from a charge sheet being actually framed against the accused. In this case not only an amended charge sheet has been filed, I am told under sections 147, 148 and 149, but the charge is that these were members of an unlawful assembly and they also did acts of rioting. Among them there are hon. Members of this House as well as Members of Parliament. It is very extraordinary that a charge-sheet like this should have come after

the discussion that took place. With regard to the first charge, I feel that in this State, nobody seems to be safe and whoever goes against the Government, the sword of Democles would be hanging on his head. I have already said earliar that they have already set the law in motion. Therefore it is their turn now and tomorrow it may be my turn, who knows, if the table turns and then it may be any body else's turn. Such a charge ought not to have been levelled against Mr. Saran Gowda, a very sober member of this House. Before they proceed further, I want the Government to make this House know what are the real facts. They cannot take shelter under the plea that it is *subjudice*.

MR. SPEAKER.—The hon. Leader of the Congress (R) Party had a talk with me in this matter in my chamber. On the facts stated by him then and now on the floor of the House, it appears that charge sheets have been filed and summons have been issued to a Member of this house and two Members of Parliament. It is not for me to say whether it is rightly or wrongly done; it is a matter left to the decision of the judiciary. I have already informed the hon. Member of *subjudice* and that therefore it could not be discussed on the floor of the House. I have also requested the hon. Member to furnish me with any authorities that he may have in support of his contention, and I have told him that if my concept of *subjudice* was not correct, I was prepared to revise my decision. I have gone through the authorities cited by him and I hold that the filing of a charge sheet amounts to *subjudice*. I cannot therefore permit any discussion on this matter.

SRI R. DAYANANDA SAGAR.—Sir, can you allow the Government to have a police raj in this State? The Government is filing charge sheets against innocent people.

MR. SPEAKER.—My friend who is a Barrister knows that the law permits the Police to file charge sheet. It is for the courts to decide whether the charge sheet have any merit in them. If it turns out that there is something malafide in the charge sheet, then the law takes care of it. It is not Sri Veerendra Patil or his Government who are filing the charge sheet. It is the police in exercise of the powers conferred on them under the Criminal law who have taken this action.

SRI R. DAYANANDA SAGAR.—It is a matter pertaining to a member of this House and Members of Parliament. It is a question of filing charge sheets against hon. Members who are innocent. In this way can the Government carry on police raj in a democracy?

MR. SPEAKER.—Under the law of privilege, as is known throughout the world, no hon. Member is exempt from arrest on a criminal charge. The hon. Member thinks they are innocent; I shall be very happy if they are innocent. The law is that every accused person is presumed to be innocent until the contrary is proved. If the hon. Member is convinced about their innocence, it is open to him to go to the court and give the necessary deposition. This House is not a court and it cannot therefore take cognisance of that matter.

Sri H. SIDDAVEERAPPA.—I am sitting here. Supposing I commit a theft or felony in some place, police may file a charge sheet. Then I may have to go and prove, and bring you as a witness.

Mr. SPEAKER.—That is the rule of law.

Sri H. SIDDAVEERAPPA.—They cannot say that the police have done it; they cannot abdicate their powers like that. It was Hitler who was doing like this.

Mr. SPEAKER.—If the hon. Member convinces me I shall revise my opinion. Now Call aftention notice.

Calling Attention to a matter of Urgent Importance

re: **Indifferent treatment to prisoners at Sagar Sub-Jail, Shimoga District.**

Sri S. BANGARAPPA (Sorab).—Sir, I call the attention of the Minister for Health to the indifferent treatment given to the prisoners at Sagar Sub-jail, Shimoga District.

Sri Y. RAMAKRISHNA (Minister for Health).—Sir, in reply to the Call attention notice I beg to state as follows :

Sir, on 26-1-1970, 71 persons of Basavapura village trespassed into forest land in Survey No. 30—Gandadasara State Forest and destroyed valuable plants. A case was registered under Section 447-427 read with 34 IPC and all of them were arrested and produced before the Special I Class Magistrate, Sagar, with the charge sheet on 27-1-1970 and they were convicted and sentenced to undergo one month R.I. in cc.123/70 dated 27-1-1970. These prisoners were undergoing imprisonment in Sub-Jail, Sagar from 27-1-1970.

On 9-2-1970 at 11-45 A.M. Sri Byra Naika who was undergoing sentence in the above case was brought to the General Hospital, Sagar. He was examined by the Medical Officer, Sagar General Hospital immediately and admitted to the Hospital. The Medical Officer has stated that as per the statement of the patient (Sri Byra Naika), he had abdominal pain since that morning and did not pass motion or faeces and that he had vomitted once in the jail. There was no history of either fever or anything else. According to the examination of the patient by the doctor, his abdomen was distended with tenderness. The general condition of the patient was not satisfactory. The following treatment was given by the doctor :—

1. Intravenus glucose saline (3 bottles);
2. Injection – Pethedine with Atropin ;
3. ,, – Decadron – 1/2 cc ;
4. ,, – Coromine